

**The Shifting and Meritless Defenses of President Trump’s Scheme  
to Solicit Foreign Interference in the 2020 U.S. Election**

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## ***Overview***

Numerous witnesses testified as part of the impeachment inquiry that President Trump pressed Ukraine to intervene in U.S. domestic politics by publicly announcing investigations into: (1) his political opponent, former Vice President Joseph R. Biden Jr.; and (2) debunked conspiracy theories about alleged interference in the 2016 U.S. election, which the U.S. Intelligence Community unanimously attributed to Russia, not Ukraine.<sup>1</sup> Witnesses further testified that to pressure Ukrainian President Volodymyr Zelensky to acquiesce to his demands, President Trump withheld hundreds of millions of dollars in U.S. taxpayer-funded security assistance from Ukraine and an Oval Office meeting. Both were official acts vital to securing U.S. national security interests in Ukraine, yet the President instead used them as leverage in a scheme to advance his own personal political interests.

Rather than contest these facts, the Republican Minority Report seeks to normalize the President's invitation of foreign interference in U.S. domestic politics. Over the course of this impeachment inquiry, the President's supporters have offered a shifting series of rationales, unsubstantiated conspiracy theories, and baseless attacks on the process to deflect attention from the overwhelming evidence of the President's misconduct. A close review of their arguments shows they are wholly without merit.

### ***The President's Supporters Falsely Claimed that "Un-elected Bureaucrats" Tried to Undermine the President's Foreign Policy Choices***

The President's supporters argue that "unelected bureaucrats" disagreed with, and tried to thwart, President Trump's policy towards Ukraine. This argument makes no sense.

The President's own politically-appointed national security Cabinet—including Secretary of State Mike Pompeo, Secretary of Defense Mark Esper, and National Security Advisor John Bolton—as well as Vice President Mike Pence, *unanimously* believed that President Trump should not have placed a hold on—and advocated for the lifting of the hold on—vital military assistance for Ukraine.<sup>2</sup> That uniform view did not stop the President, who implemented the hold without explanation and then released it approximately two months later—after he got caught.

With regard to the President's demand for investigations, several witnesses from the State Department, National Security Council, and Office of the Vice President testified that they understood the President's demands were *not consistent* with U.S. policy.<sup>3</sup> This was reinforced by the fact that during a bilateral meeting in Warsaw, Poland on September 1, Vice President Pence reassured President Zelensky that there was "no change in U.S. policy in terms of our ... full-throated support for Ukraine and its sovereignty and territorial integrity."<sup>4</sup> The official White House readout of the meeting underscored this same message and stated that, "The Vice President conveyed the United States' unwavering support for Ukraine's territorial integrity and sovereignty" and "commended President Zelensky for his government's efforts to introduce bold reform legislation to combat corruption."<sup>5</sup>

Dr. Fiona Hill, the NSC Senior Director for Europe and Russia, summarized the reality of how things evolved. The President had directed that the Three Amigos be "involved in a

domestic political errand,” while the NSC staff—and the official interagency policy process that they coordinated—“were being involved in national security foreign policy.”<sup>6</sup> The President’s demands were not legitimate foreign policy. Instead, as witnesses unanimously testified, they were part of a scheme to bolster the President’s 2020 reelection bid by soliciting dirt on his political opponent from a foreign government.

***While Obstructing Congress, the President Falsely Accused the Committee  
of Relying Solely On “Hearsay”***

To the extent the President’s supporters argue that the Committee failed to obtain first-hand accounts of the President’s misconduct—which, as discussed below, is simply not true—it was the White House that blocked Congress from interviewing additional witnesses, such as Acting Chief of Staff Mick Mulvaney, who might have additional information relevant to the inquiry. In any event, the claim that much of the information obtained by the Committee is “hearsay,”—*i.e.*, second-hand accounts of conversations—is a red herring.

*First*, the written summary of the President’s July 25, 2019 conversation with President Zelensky, which the White House declassified and released publicly on September 25, 2019, provided direct evidence of all of the elements of the President’s scheme.<sup>7</sup> Specifically:

- Immediately after President Zelensky thanked President Trump for U.S. military assistance, President Trump responded by asking President Zelensky for a “favor though” to investigate the debunked theory of Ukrainian interference in the 2016 election and, later, an investigation of the Bidens—a not-so-subtle link between the investigations and the security assistance, on which President Trump had recently implemented a hold;
- President Zelensky assured President Trump that he would pursue the investigations immediately after he mentioned the long-sought White House visit—demonstrating President Zelensky’s understanding, which had been conveyed by President Trump’s agents, that an Oval Office meeting was also conditioned on “investigations”;
- President Trump repeatedly directed President Zelensky to coordinate with Rudy Giuliani, his personal attorney, confirming for the Ukrainian president what he had already come to understand: that Mr. Giuliani spoke for President Trump on Ukraine; and
- President Trump maligned former U.S. ambassador to Ukraine Marie Yovanovitch, an anti-corruption champion, while praising a corrupt Ukrainian prosecutor general who fed false narratives about Ambassador Yovanovitch, the Bidens, and the 2016 election, which Mr. Giuliani and President Trump promoted as part of the scheme.

Witness testimony was consistent with, and expanded upon, all of these themes and statements made by President Trump in the July 25 call.

*Second*, President Trump and Mr. Giuliani confirmed all of the elements of the scheme after the call record was publicly released on September 25. When asked by a reporter what he hoped President Zelensky “would do about the Bidens” following the July 25 telephone call, President Trump replied, “Well, I would think that, if they were honest about it, they’d start a major investigation into the Bidens. It’s a very simple answer.”<sup>8</sup> Mr. Giuliani, who acted as the President’s agent and played a central role advancing the President’s scheme, admitted during a live television interview that he asked Ukraine to investigate former Vice President Biden on behalf of President Trump.<sup>9</sup> Moreover, prior to September 25, Mr. Giuliani repeatedly, openly and publicly urged Ukraine to investigate the Bidens and alleged 2016 election interference on behalf of, and with the knowledge of, his client, President Trump.

*Third*, Ambassador Gordon Sondland, who met in person and spoke by phone with President Trump about Ukraine on several occasions, also confirmed key aspects of the President’s scheme and misconduct.<sup>10</sup> In fact, Ambassador Sondland spoke to President Trump just before the July 25 call and relayed President Trump’s demands to Ukrainian officials, including directly to President Zelensky.<sup>11</sup> Then the following day, Ambassador Sondland spoke with President Trump and, in response to a question from President Trump about the “investigation,” assured the President that Ukraine was going to do “the investigation.”<sup>12</sup> As discussed below, claims that Ambassador Sondland was acting alone are belied by the evidence.

*Fourth*, several witnesses who listened to, and took detailed notes of, the July 25 call in real-time testified that the call record released by the White House accurately reflected the President’s request for Ukraine to interfere in U.S. domestic politics. Based on their first-hand role-shaping, coordinating, and implementing U.S. policy toward Ukraine, these witnesses also testified that the President’s July 25 demand for Ukraine to open investigations into Biden and debunked conspiracy theories about alleged Ukrainian interference in the 2016 election was not consistent with established U.S. foreign policy, but instead were “political” in nature.<sup>13</sup> Two of those witnesses also testified that President Zelensky referred specifically to “Burisma,” even though that did not appear in the call record, which showed that President Zelensky had been prepped for the demands President Trump made of him on July 25.<sup>14</sup>

Finally, in October 2019, Acting White House Chief of Staff Mick Mulvaney publicly confirmed that the release of taxpayer funded security assistance for Ukraine was conditioned on its willingness to open an investigation into the debunked conspiracy theory regarding 2016 election interference.<sup>15</sup> This admission confirmed the detailed and overlapping testimony of numerous witnesses, most of whom relied on contemporaneous notes to prepare for their appearances before to the Committee.

President Trump’s blanket direction to witnesses and agencies not to cooperate with the House’s impeachment inquiry prevented the Committee from acquiring more direct evidence from witnesses who would have had discussions with the President, as well as documents related to the scheme. This obstruction, therefore, justifies the Committee drawing an adverse inference against the President. The Committee can reasonably infer that if these witnesses or documents would exculpate the President, the White House would have provided Congress access to them. Accordingly, we can only conclude that the additional testimony and documents concealed by the White House would further inculpate the President.

### *The President Falsely Claimed There Was “No Quid Pro Quo”*

President Trump and his supporters repeatedly claimed there was “no quid pro quo,” – and that even if there was a quid pro quo it was not a “*corrupt* quid pro quo.” The evidence proves otherwise, no matter how many times the President and his allies repeat their mantra.

The phrase “quid pro quo” is Latin for “this for that.” In the scheme to pressure Ukraine, the “this” was an Oval Office meeting with President Trump and hundreds of millions of dollars in vital U.S.-taxpayer-funded security assistance to support Ukraine’s military in its war with Russia. The “that” was an announcement by Ukraine of investigations into the Bidens and alleged Ukrainian interference in the 2016 U.S. election, which witnesses unanimously testified would benefit only the President’s political interests, not the U.S. national interest. The corrupt nature of this linkage was made plain by the pressure campaign and the July 25 call record.

Ambassador Gordon Sondland and other witnesses testified they came to understand that “everything”—both the Oval Office meeting *and* the security assistance—was conditioned on Ukraine’s announcement of these investigations.<sup>16</sup> The evidence revealed that Ambassador Sondland understood this from common sense and various discussions with senior officials and Mr. Giuliani. This “clear understanding” was later reaffirmed from a telephone conversation with President Trump on September 7, when the President said “there is no quid pro” *but* President Zelensky needs to “clear things up, and do it in public,” a reference to a public announcement of the investigations.

Even before that, Ambassador Sondland testified that the conditioning of the White House meeting on the investigations was at the direction of President Trump. He stated: “Was there a quid pro quo? As I testified previously, with regard to the requested White House call and White House meeting, the answer is yes.”<sup>17</sup> He continued:

Mr. Giuliani’s requests were a quid pro quo for arranging a White House visit for President Zelensky. Mr. Giuliani demanded that Ukraine make a public statement announcing the investigations of the 2016 election, DNC server, and Burisma. Mr. Giuliani was expressing the desires of the President of the United States, and we knew these investigations were important to the President.<sup>18</sup>

Text messages exchanged between U.S. diplomats and Ukrainian officials corroborate Ambassador Sondland’s testimony.<sup>19</sup> They show that U.S. officials, acting on President Trump’s orders, pressured Ukraine to announce investigations that would benefit the President’s political interests in order to secure the White House meeting and later, the release of nearly \$400 million in security assistance.

This is further supported by the absence of any credible alternative explanation for the hold that President Trump ordered on the security assistance for Ukraine. Without such a credible explanation; despite unanimous support for the release of the security assistance within all of the Executive Branch national security agencies; in light of “deep concern” on the part of top Ukrainian officials, including President Zelensky; and with the knowledge that the White House meeting had already been conditioned on Ukraine’s announcement of the investigations

demanding by President Trump, the only logical conclusion was that the hold on security assistance was intended to pressure Ukraine to announce the investigations. As Ambassador Sondland and David Holmes both testified, it was as simple as two plus two equals four.

In addition, the President's insistence that "there was no quid pro quo" demonstrates his consciousness of guilt. No witness testified that President Trump was specifically asked whether there was a quid pro quo, yet he voluntarily made such a statement as a non-sequitur. This assertion, moreover, came after the White House was well aware of the existence of the whistleblower complaint, which referenced that the security assistance had been held without explanation and that the Ukrainians may have been aware of that the hold. Finally, even after he made that assertion, three witnesses testified that he went on to precisely describe a quid pro quo: President Zelensky needed to clear things up in public or there would be a stalemate.

Most significantly, Acting White House Chief of Staff Mick Mulvaney publicly confirmed, in October 2019, that the release of taxpayer funded security assistance was conditioned on Ukraine's willingness to open an investigation into a debunked conspiracy theory regarding the hacking of the Democratic National Committee's e-mail server.<sup>20</sup>

***The President Falsely Claimed the House Denied Him "Due Process," Even as He Obstructed the Inquiry and Failed to Present Any Exculpatory Evidence***

President Trump and his supporters inaccurately asserted that the House denied him "due process" and that the Minority's rights have been unduly circumscribed during the impeachment inquiry, resulting in a lack of "fundamental fairness." They falsely claimed the President's suffered as a result of an "abusive" process. These process arguments are entirely without merit—and yet another attempt by the President's defenders to distract from the overwhelming evidence of the President's misconduct.

Depositions were conducted consistent with the same rules Republican leadership established when they controlled the House of Representatives. Because the Committees did not have the benefit of another investigation to rely upon to provide the factual underpinnings of the President's conduct, the Committees needed to conduct that initial investigation. As any professional investigator would know, in order to find the truth, it is essential to prevent witnesses from lining up their stories or tailoring their testimony to other documents and evidence. As a result, the Committees engaged in closed-door depositions, pursuant to the Rules of the House, in which the Republican Minority was provided the same opportunity to question the witnesses as the Democratic Majority.

The wisdom of this path was borne out by this investigation. For example, at least one witness, Ambassador Gordon Sondland, spoke to another potential witness, Secretary of Energy Rick Perry, about the substance of his testimony the day before he appeared for his deposition. Ultimately, because Ambassador Sondland could not line up his testimony with other witnesses or documents, he ultimately amended his testimony twice after compelling, detailed testimony from other witnesses became public. In addition, Ambassador Kurt Volker ultimately significantly amended his testimony at the public hearing when confronted with other testimony that had been taken behind closed doors.

Pursuant to the House Rules that were originally adopted by Republican leadership, agency counsel was prohibited from attending the depositions, but witnesses were permitted to bring personal counsel, which every witness did. The reason for this rule is sound: a representative of the subject of the investigation should not be permitted to learn what the evidence is in order to report back to that subject and potentially line up the testimony of other witnesses. The House Rules protect the rights of the witnesses and the objective of truth. As a result, the President's view—now supported by a self-serving DOJ OLC opinion—would undermine the truth-seeking function of the investigation.

Once the investigation had proceeded sufficiently to establish a set of facts, the Committees released the full transcripts from the closed-door depositions in an effort to provide transparency so that the public and the rest of Congress could read the testimony. Contrary to Minority complaints that Republican Members were “interrupted” or witnesses were directed not to answer certain questions, the transcripts plainly show that questioning was curbed only when necessary to protect the potential “outing” of the unknown whistleblower, whose identity some Republican members shamelessly attempted to reveal during their questioning. No substantive questions were prevented by the Chairman.

Finally, the House Rules permit the Minority to propose witnesses to be questioned as a part of any investigation, and to request a vote on a subpoena if the Chairman does not consent to request the witness' appearance. Yet, during this investigation, the Republican Minority only requested one witness for a closed deposition: Chairman Schiff, who, unlike Ranking Member Nunes, is not a fact witness to any of the conduct under investigation.

President Trump and the Republican Minority are also afforded the same rights that Democrats had during the impeachment of President Clinton. In accordance with H. Res. 660, the Minority has the right to subpoena relevant witnesses and documents. Pursuant to H. Res. 660, the Republican Minority submitted a list of nine witnesses they wished to call in the open hearings. Three of the nine witnesses requested by the Minority—Ambassador Volker, Ambassador Hale, and Mr. Morrison—testified at public hearings. The remaining witnesses requested by the Minority fell far outside the scope of the inquiry as defined by the report accompanying H. Res. 660. Indeed, several of the witnesses were called by the Minority in a desperate attempt to breathe life into the debunked conspiracy theory, promoted by Russia, that Ukraine interfered in the 2016 U.S. election, as well as the baseless allegations against former Vice President Biden and his son—the precise subjects of the improper requests by the President.

The Minority also mistakenly complains that the President “ought to be afforded the opportunity to raise defenses without Democrats considering it to be *de facto* evidence of obstruction.” Notably, the President never invoked executive privilege during the impeachment inquiry, and his counsel never offered to engage in the normal accommodations process with the Committee. Instead, the President and his counsel categorically stonewalled the investigation, ordering Executive Branch agencies not to produce a single document and directing witnesses not to cooperate, even pursuant to subpoena. Importantly, concerns about executive privilege were not the basis for this sweeping and categorical directive, as outlined in the White House Counsel's letter of October 8, 2019.

The President's obstruction of the impeachment inquiry is unprecedented; indeed, President Nixon's obstruction of Congress paled in comparison to President Trump's blanket obstruction.

***The President and His Supporters Falsely Claimed that President Trump Had a Reasonable Belief that Ukraine Interfered in the 2016 U.S. Presidential Election***

The President and his supporters have promoted a false narrative, also espoused by the Russian government, that Ukraine interfered in the 2016 U.S. presidential election. None of the 17 witnesses who testified as part of this inquiry was aware of any factual basis to support this allegation. As former NSC Senior Director for Russia Dr. Fiona Hill testified, "This is a fictional narrative that is being perpetrated and propagated by the Russian security services themselves."<sup>21</sup> In fact, President Trump's own former Homeland Security Advisor Tom Bossert told President Trump that there was no merit to these allegations. Accordingly, any "belief" of the President that Ukraine interfered in the 2016 election is not reasonable.

Russian President Vladimir Putin first promoted this false narrative of Ukrainian election interference in February 2017.<sup>22</sup> Recently, on November 20, 2019, President Putin welcomed efforts by President Trump and his supporters to blame Ukraine, stating, "Thank God, no one is accusing us of interfering in the U.S. elections anymore; now they're accusing Ukraine."<sup>23</sup>

The undisputed fact is the U.S. Intelligence Community unanimously determined that Russia interfered in the 2016 U.S. election and that Russia aspired to help then-candidate Donald J. Trump win by, among other things, discrediting his opponent, former Secretary of State Hillary Clinton.<sup>24</sup> Dr. Hill told the Committee: "The unfortunate truth is that Russia was the foreign power that systematically attacked our democratic institutions in 2016. This is the public conclusion of our intelligence agencies confirmed in bipartisan and congressional reports. It is beyond dispute, even if some of the underlying details must remain classified."<sup>25</sup>

Russia also seeks to interfere in the 2020 election.<sup>26</sup> Any claim that Ukraine is an adversary of the United States and that Ukraine—not Russia—interfered in the 2016 election is, therefore, harmful to U.S. national security and the integrity of our democratic process. As Dr. Hill warned, Russia will "weaponize our own political opposition research and false narratives. When we are consumed by partisan rancor, we cannot combat these external forces as they seek to divide us against each other, degrade our institutions, and destroy the faith of the American people in our democracy."<sup>27</sup>

Dr. Fiona Hill testified there was no evidence that the Ukrainian government engaged in election interference.<sup>28</sup> Some Ukrainian officials did make some "unpleasant statements" in social media and the press about President Trump, yet individual articles, Facebook posts, or tweets do not amount to election interference—especially not on the scale of Russia's interference in 2016. Dr. Hill further testified, "I could list a whole host of ambassadors from allied countries who tweeted out, who had public comments about the President as well, and it did not affect security assistance, having meetings with them. If it would, there'd have been a lot of people he wouldn't have met with."<sup>29</sup>



***The President's and His Supporters' Various After-the-Fact Explanations for the Security Assistance Hold Are Not Supported by the Evidence***

The President and his supporters offered various explanations for the hold on U.S. security assistance to Ukraine, including that: (1) it was part of “a review” of foreign aid generally; (2) it was because of the President’s concerns about “corruption” in Ukraine; and (3) it resulted from the President’s concerns that other countries were not providing enough support for Ukraine. Numerous witnesses strongly rebutted these claims, which are simply after-the-fact justifications to cover up the obvious and clear explanation: the release of taxpayer-funded U.S. security assistance was, indeed, conditioned on Ukraine opening investigations that would politically benefit President Trump.

A recent press report revealed that, after Congress began investigating President Trump’s scheme, the White House Counsel’s Office reportedly opened an internal investigation relating to the July 25 call. As part of that internal investigation, White House lawyers gathered and reviewed “hundreds of documents” that “reveal extensive efforts to generate an after-the-fact justification” for the hold on military assistance for Ukraine ordered by President Trump. These documents reportedly include “early August email exchanges between acting chief of staff Mick Mulvaney and White House budget officials seeking to provide an explanation for withholding the funds after the president had already ordered a hold in mid-July on the nearly \$400 million in security assistance.”<sup>30</sup> The White House withheld these documents from the Committee, so the Committee cannot verify the accuracy of the reporting.

***There Was No “Review” Related to Ukraine Security Assistance***

The evidence gathered as part of the inquiry does not support the assertion that there was any “review” of the U.S. security assistance for Ukraine, as claimed by some of the President’s supporters. Deputy Assistant Secretary of Defense Laura Cooper and other witnesses testified that they received some inquiries in late June about Ukraine security assistance, but Ms. Cooper testified that there was no policy or interagency review process that she “participated in or knew of” in August 2019.<sup>31</sup>

Nor could there be, since the funds had already been appropriated by Congress and signed into law by the President. There also was no rescission or reprogramming process undertaken, which would have been the only mechanisms to redirect the appropriated funds. Under Secretary of State Ambassador David Hale testified that the State Department was in the midst of a long-term, general review of foreign assistance, but that was completely unrelated to the specific issue of the hold on funds for Ukraine that had already been appropriated by Congress and certified for release by the implementing agencies.<sup>32</sup>

***The President's Concerns About Ukrainian “Corruption” Related to Himself and the 2016 Election, Not Official U.S. Anti-Corruption Efforts in Ukraine***

The President and his supporters suggested that his decision to withhold security assistance was motivated by concerns that Ukraine is “a terrible place, all corrupt” and full of “terrible people,” and that President Trump wanted to see whether President Zelensky would

follow through on his platform anti-corruption reforms.<sup>33</sup> The evidence shows otherwise.

According to the publicly-released records of the President's April 21 and July 25 telephone calls, President Trump did not once use the word "corruption" when speaking with Ukrainian President Zelensky, and certainly did not raise broader issues of corruption reform in Ukraine.<sup>34</sup> NSC Director Lt. Col. Vindman, who prepared the official briefing memorandum for both calls, confirmed that President Trump did not raise "corruption" despite the fact that he was provided talking points on that very topic.<sup>35</sup> In fact, in the readout of the April 21 call, the White House stated that President Trump "expressed his commitment to work together with President-elect Zelensky [to] ... root out corruption."<sup>36</sup> Yet the call record of that conversation does not include any reference to rooting out corruption in Ukraine.

Instead, during the July 25 call, President Trump maligned Marie Yovanovitch, the anti-corruption champion and former U.S. ambassador to Ukraine whom he removed after a false smear campaign initiated by a corrupt prosecutor in Ukraine and promoted by Rudy Giuliani. President Trump then praised that same corrupt Ukrainian prosecutor general and encouraged President Zelensky to keep him in his position.<sup>37</sup>

Congress has long expressed concerns about corruption in Ukraine and conditioned some military assistance on anti-corruption reforms by Ukraine. But the Department of Defense, in coordination with the Department of State, had already determined and certified to Congress in *May 2019*—before President Trump ordered the hold—that Ukraine had "taken substantial actions...for the purposes of decreasing corruption" and met the anti-corruption benchmarks Congress established when it authorized and appropriated \$250 million in security assistance for Ukraine.<sup>38</sup> Moreover, by the July 25 telephone conversation, President Zelensky had already submitted a draft law on presidential impeachment to the Ukrainian parliament, and a bill to restore punishment of top officials found guilty of "illicit enrichment."<sup>39</sup>

The simple truth, as Ambassador Sondland told U.S. diplomat David Holmes on July 26, is that President Trump "did not give a shit" about Ukraine. He cared only about "big stuff" that benefited him, like the "Biden investigation" that Mr. Giuliani was pushing.<sup>40</sup> Moreover, to the extent that President Trump referenced "corruption," he consistently did so in the context of the two investigations that he desired, not anti-corruption reforms.<sup>41</sup>

His agents and representatives understood that as well. Ambassador Volker testified that he understood that references to fighting "corruption" in Ukraine, when used by President Trump and Mr. Giuliani, in fact referred to the two investigations into "Burisma"—and former Vice President Biden—and the 2016 election interference that President Trump sought to benefit his reelection efforts.<sup>42</sup>

### ***Concerns About Other Countries' Support for Ukraine Did Not Motivate the Hold on U.S. Security Assistance***

When asked on September 24, 2019 about his withholding of security assistance to Ukraine, President Trump claimed, "My complaint has always been – and I'd withhold again, and I'll continue to withhold until such time as Europe and other nations contribute to Ukraine. Because they're not doing it. Just the United States."<sup>43</sup>

In fact, other countries have contributed substantial amounts of assistance to Ukraine since 2014. The European Union (EU) is the single largest donor to Ukraine, having provided over \$16.4 billion in grants and loans since 2014.<sup>44</sup> These include an average of \$710 million per year from the EU to Ukraine—nearly double the average annual U.S. contribution; \$3.8 billion in loans from the European Bank of Reconstruction and Development; \$860 million from Germany between 2014 and 2017; \$115 million from the United Kingdom for peace-building, conflict prevention, and public-sector policy management assistance; and \$573 million from Canada between 2014 and 2016.<sup>45</sup>

In addition to the substantive inaccuracy, the President’s assertion that other countries did not support Ukraine suffers from the fundamental flaw that the evidence simply contradicts his assertion that the reason for the hold related to the contributions of other countries. Every witness who testified in this inquiry stated that there was no reason provided for the implementation of the hold, until it was lifted months later. OMB Deputy Associate Director Mark Sandy, who was the senior career budget official responsible for the Department of Defense portion of Ukraine security assistance, testified that he could not recall another instance “where a significant amount of assistance was being held up” and he “didn’t have a rationale for as long as I didn’t have a rationale in this case.”<sup>46</sup>

During a conversation with Mr. Sandy *after* the Acting Director of National Intelligence had informed the White House about the whistleblower complaint, a senior OMB official “attributed the hold to the President’s concern about other countries not contributing more to Ukraine” and requested “information on what additional countries were contributing to Ukraine.”<sup>47</sup> Prior to early September, no witness testified that other countries’ contributions to Ukraine was in any way linked to the hold on security assistance.<sup>48</sup> It was only *after* the White House realized that its efforts to conceal the President’s misconduct towards Ukraine were crumbling that this rationale was offered.

Even then, however, President Trump’s claim that he would continue to withhold security assistance until Europe and other nations commit more assistance to Ukraine is belied by the fact that he did, in fact, release the hold without any further commitments of aid by European nations. According to Lt. Col. Vindman, none of the “facts on the ground” changed before the President lifted the hold.<sup>49</sup>

***Assertions that There is “Nothing Wrong” with Withholding U.S. Security Assistance for Political Purposes and that Congress Should “Get Over It” Are Deeply Wrong***

In October 2019, Mr. Mulvaney defended the President’s decision to withhold security assistance until Ukraine announced investigations that would benefit his reelection campaign. He declared, “We do this all the time with foreign policy.” He said concerned Members of Congress and the American people should “get over it. There’s going to be political influence in foreign policy.”<sup>50</sup> We cannot abide this attempt to normalize undemocratic and corrupt behavior.

Numerous witnesses with decades of national security and foreign policy experience testified that it was wrong to withhold security assistance in order to pressure a foreign country to provide assistance for a political campaign. Informed by his extensive experience serving in national security roles over nearly five decades under every president since Richard Nixon, Ambassador Bill Taylor testified that he had never before seen a President of the United States withhold military assistance for his own political interests.<sup>51</sup> Taylor testified that “withholding security assistance in exchange for help with a domestic political campaign in the United States would be crazy.”<sup>52</sup>

Ambassador Taylor and other witnesses made clear that “our security assistance was designed to support Ukraine. And it was not just the United States; it was all of our allies” who benefitted from of Ukraine’s efforts to counter Russia.<sup>53</sup> Ambassador Taylor explained that “the United States was trying to support Ukraine as a frontline state against Russian attack. And...the whole notion of a rules-based order was being threatened by the Russians in Ukraine”—especially by Russia’s unprecedented decision to challenge Ukraine’s sovereignty and change the borders of European nation by military force.<sup>54</sup> In short, according to Ambassador Taylor:

The security assistance was so important for Ukraine as well as our own national interests, to withhold that assistance for no good reason other than help with a political campaign made no sense. It was counterproductive to all of what we had been trying to do. It was illogical. It could not be explained. It was crazy.”<sup>55</sup>

***The President’s Supporters Falsely Claimed the Ukrainians Did Not Know About the Hold on Security Assistance Before August 28, 2019***

Contrary to assertions by the President’s supporters, Ukrainian government officials suspected that the Trump Administration had placed a hold on security assistance soon after it was ordered by the President in July 2019.

*The New York Times* recently disclosed that by July 30, 2019, Ukraine’s foreign ministry received a diplomatic cable from its embassy in Washington indicating that the Trump Administration “had frozen military aid.” Former Ukrainian Deputy Foreign Minister Olena Zerkal said, “We had this information. It was definitely mentioned there were some issues.” Ms. Zerkal could not recall when the Ukrainian embassy sent the report back to Kyiv, but told the *Times* it had been sent the week of July 25.<sup>56</sup> She further disclosed that the cable was “simultaneously” provided to Ukrainian President Zelensky’s office. However, President Zelensky’s senior advisor, Andriy Yermak, reportedly directed her to “keep silent” and not discuss Kyiv’s knowledge of the hold with reporters or members of Congress.

Ms. Zerkal’s public statement tracks with the testimony of Deputy Assistant Secretary of Defense Laura Cooper, who said that on July 25 her staff received two e-mails from the State Department revealing that the Ukrainian Embassy was “asking about security assistance” and that “the Hill [Congress] knows about the [State Department security assistance] situation to an extent, and so does the Ukrainian Embassy.”<sup>57</sup> This was the same day President Trump spoke with President Zelensky and also the same date that OMB formally implemented the hold on \$250 million in taxpayer funds.<sup>58</sup>

Ms. Cooper further testified that during the week of August 6, an official from Ukraine's embassy in Washington informed her staff that a visiting official from Kyiv "might raise concerns about security assistance in an upcoming meeting."<sup>59</sup> Lt. Col. Alexander Vindman, who served as the National Security Council's Director for Ukraine, also recalled "some...light inquiries" regarding the security assistance from Ukrainian officials "in the mid-August timeframe."<sup>60</sup>

Catherine Croft, a career foreign service officer who served as Ambassador Volker's policy advisor, confirmed that two Ukrainian Embassy officials separately approached her to ask about the possible hold of the security assistance before it was publicly announced.<sup>61</sup> Croft told the Committee she was "very surprised at the effectiveness of my Ukrainian counterparts' diplomatic tradecraft, as in to say they found out [about the hold on security assistance] very early on or much earlier than I expected them to."<sup>62</sup>

On August 14—two weeks prior to a *Politico* report regarding President Trump's hold on security assistance—The Atlantic Council published an analysis of preparations for an upcoming meeting between President Trump and Ukrainian President Zelensky. The analysis stated, "High on Kyiv's to-do list while in Washington is getting the U[nited] S[tates] to unlock the \$115 million appropriated by Congress for Foreign Military Sales to Ukraine (FMF). The Office of Management and Budget is currently blocking those sales but has not advanced any public rationale to justify its actions."<sup>63</sup> Contrary to conspiracy theories promoted by the President's supporters, the Atlantic Council is a non-partisan think tank, not a front for the Ukrainian gas company Burisma. Its leadership includes many former senior national security officials who served in Republican Administrations and its former chairman, Governor Jon Huntsman, was confirmed by the U.S. Senate in 2017 as President Trump's hand-picked ambassador to Russia.<sup>64</sup>

As noted above, during this same time period, the Ukrainians were also aware that President Trump's willingness to host President Zelensky in the Oval Office was contingent on him announcing the investigations requested by President Trump.

***The President's Supporters Falsely Argued the Hold on Security Assistance Was Inconsequential Because the Aid Flowed***

The President's supporters argued that the security assistance to Ukraine eventually flowed and so the roughly two-month long hold by President Trump had no material consequences for U.S. national security. This ignores the fact that the aid only flowed because the President got caught and because Congress passed a law extending the life of the funds, which would otherwise have expired on September 30, 2019.<sup>65</sup> But it also ignores the critical symbolic value that unwavering U.S. support for Ukraine is to that fledgling democracy at war with Russia.

On September 9, the three Committees launched a joint investigation of the scheme by President Trump and Rudy Giuliani "to improperly pressure the Ukrainian government to assist the President's bid for reelection."<sup>66</sup> Lt. Col. Vindman recalled discussions among NSC staff

members that the investigation “might have the effect of releasing the hold” on Ukraine military assistance because it would be “potentially politically challenging” to “justify that hold.”<sup>67</sup>

Later that same day, Chairman Adam Schiff and Ranking Member Devin Nunes of the House Intelligence Committee received a letter from the Inspector General of the Intelligence Community informing them that, for the first time ever, the Office of the Director of National Intelligence had withheld from Congress a whistleblower complaint that had been found by the ICIG to be “credible” and an “urgent concern” under federal law. The White House had been aware of the complaint for several weeks, and, as Acting Director of National Intelligence Joseph Maguire would testify later, the White House was intimately involved in the decision to withhold the complaint from Congress. The ICIG’s letter providing notice to Congress, however, as well as Chairman Schiff’s letter on September 10 requesting that the complaint be provided to the Intelligence Committee, was a further indication that the White House would not be able to conceal the President’s misconduct much longer.

The following day, September 11, the President lifted the hold without explanation.

Moreover, the mere fact that President Trump withheld vital security assistance from a strategic partner in dire need of U.S. support not only jeopardizes Ukraine’s national security but that of the United States. It also benefits Russia, which is subject to U.S. sanctions because of its illegal invasion of Ukraine, which continues today.

Ambassador Taylor assessed that President Putin would “love the humiliation of Zelensky at the hands of the Americans” and that it “would give the Russians a freer hand.”<sup>68</sup> He emphasized that the Ukrainians “counted on not only the training and weapons but also the assurance of U.S. support” and that the hold had “shaken their faith in us”—even more so when it was publicly disclosed in late August 2019.<sup>69</sup> President Zelensky echoed a similar sentiment in an interview with *Time*: “I don’t want us to look like beggars. But you have to understand. We’re at war. If you’re our strategic partner, then you can’t go blocking anything for us.”<sup>70</sup>

***President Trump Falsely Claimed He Didn’t Direct Rudy Giuliani to Press for Investigations and the President’s Aides Wrongly Suggested Ambassador Sondland Acted Alone***

When asked in late November 2019 what his loquacious and ubiquitous personal attorney Rudy Giuliani was doing in Ukraine, President Trump said, “You have to ask that to Rudy, but Rudy, I don’t even know.”<sup>71</sup> The evidence is clear, however: the President directed Mr. Giuliani and other officials to execute his scheme.

This recent effort to distance himself from Mr. Giuliani contrasted starkly with the President’s July 25 declaration to Ukrainian President Zelensky that, “Rudy very much knows what’s happening and he is a very capable guy. If you could speak to him that would be great.”<sup>72</sup> It ignored the fact that on May 23, 2019, the President said “Rudy knows all of these things” about Ukraine and directed a group of U.S. officials implementing Ukraine policy: “Talk to Rudy. Talk to Rudy.”<sup>73</sup> The President’s claims of ignorance also contradicted Mr. Giuliani’s May 9, 2019 statement to *The New York Times* that President Trump “basically knows what I’m doing, sure, as his lawyer.”<sup>74</sup> And the President’s attempt to feign ignorance is contradicted by

his October 2, 2019 admission that “we’ve been investigating, on a personal basis—through Rudy and others, lawyers—corruption in the 2016 election.”<sup>75</sup>

Both on Twitter and during his frequent television appearances, Mr. Giuliani made clear that his actions regarding Ukraine were on behalf of President Trump. Ukrainian officials came to view Mr. Giuliani as “a significant person in terms of managing their relationship with the United States.”<sup>76</sup> Ambassador Sondland lamented that “every time Rudy gets involved he goes and effs everything up,” but said U.S. officials recognized “that if we did not talk to Rudy, nothing would move forward on Ukraine.”<sup>77</sup> National Security Advisor John Bolton also expressed frustration about Mr. Giuliani’s role in shaping the President’s attitude toward Ukraine, but made clear there was nothing he could do about it.<sup>78</sup> Simply put: nobody interviewed by the Committee doubted that Mr. Giuliani was acting at the direction of President Trump or that the President was aware of his activities in Ukraine. And the President and Giuliani confirmed it themselves, many times over.

Following Ambassador Sondland’s public testimony in November 2019, President Trump also told reporters, “I don’t know him very well. I have not spoken to him much.”<sup>79</sup> Based on evidence presented to the Committee, this, too, is false. Ambassador Sondland on several occasions received direct guidance from the President—both in person and over the phone—including shortly before the July 25 call and the day after it. White House telephone records reviewed by Ambassador Sondland’s attorneys confirmed that some of those calls occurred. Other calls were confirmed by NSC Senior Director Timothy Morrison, who testified that on every occasion he sought confirmation of Ambassador Sondland’s communication with the President, he learned that there had, in fact, been a call.<sup>80</sup> Call records obtained by the Committee further support this conclusion.

Most significantly, U.S. diplomat David Holmes confirmed—and Ambassador Sondland did not dispute—a July 26, 2019 telephone call during which President Trump asked of President Zelensky, “So he’s going to do the investigation?” To which Ambassador Sondland replied: He is going to do it. President Zelensky will do “anything you ask him to do.”<sup>81</sup>

According to Ambassador Sondland, “Everyone was in the loop.” He explained that “[i]t was no secret” at the highest-levels of the White House and across the Trump Administration that the President wanted Ukraine to open investigations that would benefit his personal political interests.<sup>82</sup>

According to e-mails described by Ambassador Sondland during his public testimony, Mr. Mulvaney and his senior staff, Secretary of State Mike Pompeo and his senior staff, and Secretary of Energy Rick Perry and his senior staff, all had knowledge of the President’s scheme to pressure Ukraine to announce investigations.<sup>83</sup> Moreover, as Ambassador Sondland made clear: “Secretary Perry, Ambassador Volker and I worked with Mr. Rudy Giuliani on Ukraine matters at the express direction of the president of the United States. We did not want to work with Mr. Giuliani. Simply put, we were playing the hand we were dealt...we followed the President’s orders.”<sup>84</sup>

### ***The President Attacked the Whistleblower to Distract from His Own Misconduct***

President Trump and his supporters attacked the whistleblower as a “partisan” member of a fictitious “deep state” engaged in “treason.” They falsely asserted the whistleblower’s complaint was “inaccurate” and argued it should be ignored as “hearsay.” Notwithstanding the fact that direct witnesses of the President’s misconduct rendered the whistleblower complaint irrelevant to the evidence gathered in this investigation, the President and his supporters have still called for the whistleblower to testify. This appears to be a naked attempt to out the whistleblower’s identity in order to exact retribution for blowing the whistle and preventing the President from concealing his gross abuse of power.

Moreover, much of what the whistleblower reported was second-hand—although extraordinarily accurate—information. The Republican minority’s insistence on the whistleblower’s testimony is therefore hypocritical, given their complaints about “hearsay.”

The whistleblower filed their complaint through the appropriate mechanisms, consistent with all applicable laws. After a preliminary investigation, the Intelligence Community Inspector General determined that the complaint was credible. In making that determination, the ICIG concluded that the whistleblower’s political affiliation with one party did *not* affect the credibility of the complaint.<sup>85</sup> The whistleblower simply pulled the fire alarm; however, it was the President who started the fire.

Significantly, the whistleblower’s complaint was ultimately irrelevant to the Committee’s factual findings. It was not relied upon as evidence of the President’s misconduct. Rather, the Committee relied on evidence presented by more than a dozen witnesses who had direct knowledge of the President’s efforts to encourage foreign interference in U.S. domestic politics. Their vivid accounts, alongside a handful of documents, text messages, and other records shared by witnesses, served as the basis for the Committee’s final report.

All of the career public servants who testified under subpoena before the Committee reaffirmed their allegiance is to the Constitution and their oath of office, not to any particular U.S. politician, political party, or political agenda. Efforts by the President and his supporters to smear the whistleblower and other witnesses by propounding debunked conspiracy theories about a “deep state” are an affront to the patriotism and professionalism of U.S. diplomats, intelligence professionals, and servicemembers who protect and defend the United States every day and around the world. All Members of Congress have an obligation to condemn these baseless smears.

### ***Vice President Biden’s Effort to Dismiss a Corrupt Ukrainian Prosecutor in 2016 Bolstered U.S. Anti-Corruption Efforts in Ukraine; President Trump’s Apparent Support for that Corrupt Prosecutor Undercut U.S. Policy***

President Trump falsely alleged, during the July 25 call with President Zelensky, that “Biden went around bragging that he stopped the prosecutions, so if you can look into it...It sounds horrible to me.”<sup>86</sup> Rather than “horrible,” Vice President Biden was simply



implementing a consensus policy determination by the United States, the European Union, and the International Monetary Fund.

In 2015, doubts began to grow about Ukraine Prosecutor General Viktor Shokin's commitment to upholding the rule of law. Deputy Assistant Secretary of State George Kent, an expert on Ukraine and anti-corruption matters, described "a broad-based consensus" among the United States, European allies, and international financial institutions that Mr. Shokin was "a typical Ukraine prosecutor who lived a lifestyle far in excess of his government salary, who never prosecuted anybody known for having committed a crime" and who "covered up crimes that were known to have been committed."<sup>87</sup>

By late 2015, Ukrainians were protesting for Mr. Shokin's removal.<sup>88</sup> The IMF warned Ukraine that it would not receive \$40 billion in international assistance unless the parliament removed the corrupt prosecutor.<sup>89</sup> Consistent with official U.S. government policy, Vice President Biden in late 2015 and early 2016 announced that the United States also would withhold \$1 billion in American taxpayer dollars. In March 2016, Ukraine's parliament voted to dismiss Mr. Shokin.<sup>90</sup>

Mr. Kent explained, "What former Vice President Biden requested of former President of Ukraine Poroshenko was the removal of a corrupt prosecutor general, Viktor Shokin, who had undermined a program of assistance that we had spent, again, U.S. taxpayer money to try to build an independent investigator unit to go after corrupt prosecutors."<sup>91</sup>

Because Mr. Shokin failed to prosecute any corruption in Ukraine, multiple witnesses, including former U.S. Ambassador to Ukraine Marie Yovanovitch, testified that Mr. Shokin's dismissal in 2016 made it *more*—not less—likely that Ukrainian authorities might investigate any allegations or wrongdoing at Burisma or other allegedly corrupt companies.<sup>92</sup>

And so, the allegations that Vice President Biden inappropriately pressured Ukrainian to remove Mr. Shokin are completely without merit. In fact, it was President Trump and Mr. Giuliani's apparent support for two corrupt Ukrainian prosecutors in 2019 that undercut U.S. anti-corruption efforts in Ukraine.

***Even if There Were Any Credible Basis for the Investigations the President Wanted Ukraine to Pursue, He Nonetheless Abused His Power***

The President's allies argued he did nothing wrong because the allegations relating to former Vice President Joe Biden and his son, as well as Ukrainian interference in the 2016 U.S. election, are worthy of investigation. No witnesses offered any factual support for these allegations. But even assuming there was a credible basis for these false allegations, President Trump's conduct was still an abuse of power of his office intended to benefit his own personal and political interests, not the national interest.

There can be no dispute that a President directing a criminal investigation into political opponents is a grave abuse of office and contrary to basic democratic norms. Indeed, the second article of impeachment against President Richard Nixon was based on his improper use of the

Internal Revenue Service, the Federal Bureau of Investigation, and the Secret Service against his political enemies. Such an abuse of power is perhaps even more severe when a President requests that a foreign government—particularly one dependent on American financial, diplomatic, and military support and engaged in a hot war with a U.S. adversary—conduct investigations into his U.S. political opponent. Most Americans would surely balk at having their President arbitrarily hand over U.S. citizens to a foreign prosecutorial and judicial system—particularly one viewed as corrupt and unreliable. But that is identical to what President Trump asked President Zelensky to do during their July 25 call.

There are specific formal processes where it might be appropriate for a U.S. President to request a foreign leader's assistance in a legitimate criminal investigation being conducted by the U.S. Department of Justice. In those instances, the Department of Justice seeks assistance from the foreign government through an official, formal process governed by a Mutual Legal Assistance Treaty. The U.S. and Ukraine have entered into such a treaty. But as multiple witnesses—and the Department of Justice itself—confirmed, there was never an official U.S. investigation into the Bidens' conduct in Ukraine, nor Ukraine's alleged interference in the 2016 U.S. election. There was, therefore, no legal basis for President Trump to request Ukraine's assistance with these "investigations."

Moreover, as Ambassador Sondland testified, President Trump did not care whether any investigations were actually conducted by the Ukrainians. He merely wanted Ukraine to *announce* the investigations and, in so doing, tarnish former Vice President Biden's reputation. The President's singular focus on a public announcement of the investigations—rather than an actual investigation—further undermines the argument that the President wanted the investigations for any purpose other than his own personal political benefit.

In any event, it is unquestionably an abuse of power for a President to condition official acts—as President Trump did here—to coerce a foreign government's assistance with an investigation of the President's political opponent, regardless of whether that investigation has merit. The sole purpose of the President's actions was to attempt to coerce Ukraine into announcing investigations that would benefit his personal political interests, rather than those of the American people he was elected to serve. That President Zelensky may have resisted President Trump's pressure campaign does not absolve the President of wrongdoing.

### ***President Trump Falsely Claimed the Impeachment Inquiry Is "A Coup" to Overturn the 2016 U.S. Election***

A coup is an illegal, unconstitutional, and undemocratic overthrow of a government. The Framers, obviously aware that presidential elections would occur every four years, nonetheless included in the U.S. Constitution a mechanism to protect the Republic and democracy against presidents who commit "Treason, Bribery, or other high Crimes and Misdemeanors."<sup>93</sup> That mechanism is impeachment.

The Framers vested the power of impeachment in Congress as a check on abuses of executive power. The American people's duly elected representatives are empowered to hold to account corrupt, treacherous, and criminal presidents. The Constitution provides that the House

of Representatives has the “sole Power of Impeachment” and the Senate has the “sole Power to try all Impeachments.”<sup>94</sup> A vote by two-thirds of the Senate is required to convict and remove a president from office.

In conducting this inquiry, the House of Representatives is strictly adhering to the requirements set forth in the Constitution. Speaker of the House Nancy Pelosi announced on September 24, 2019 that the House of Representatives was beginning an impeachment inquiry of President Donald J. Trump.<sup>95</sup> The following month, the House passed Resolution 660 directing certain Committees to continue their ongoing investigations into the President and formalizing procedures for the inquiry.<sup>96</sup> If warranted, the House will vote on Articles of Impeachment and transmit them to the Senate. The Senate would then hold a trial of the impeachment and vote on whether to convict and remove the President. Should the President be removed, the Constitution provides that the duly elected Vice President would replace him.

The impeachment inquiry is no coup. Nor is it an effort to overturn an election. Instead, it is a reaffirmation of the simple truth that in the United States of America, no person—not even the President of the United States—is above the law, and our democracy cannot allow a duly elected president to abuse the power of his office for personal and political gain.

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<sup>1</sup> *Assessing Russian Activities and Intentions in Recent U.S. Elections*, Office of the Director of National Intelligence, (February 6, 2017) (online at [https://www.dni.gov/files/documents/ICA\\_2017\\_01.pdf](https://www.dni.gov/files/documents/ICA_2017_01.pdf)).

<sup>2</sup> Morrison Dep. Tr. at 264.

<sup>3</sup> Morrison Dep. Tr. at 101; Williams Dep. Tr. at 148; Vindman Dep. Tr. at 147; Volker Hearing Tr. at 104.

<sup>4</sup> Williams Dep. Tr. at 83.

<sup>5</sup> *The White House, Readout of Vice President Mike Pence's Meeting with Ukrainian President Volodymyr Zelenskyy (September 1, 2019)* (online at <https://www.whitehouse.gov/briefings-statements/readout-vice-president-mike-pences-meeting-ukrainian-president-volodymyr-zelenskyy/>).

<sup>6</sup> Hill-Holmes Hearing Tr. at 92; *see also, e.g.*, Vindman-Williams Hearing Tr. at 15 (“I found the July 25th phone call unusual because, in contrast to other Presidential calls I had observed, it involved discussion of what appeared to be a domestic political matter.”) (testimony of Jennifer Williams); *id.* at 29 (“It was improper for the President to request to demand an investigation into a political opponent, especially a foreign power where there's, at best, dubious belief that this would be a completely impartial investigation, and that this would have significant implications if it became public knowledge, and it would be perceived as a partisan play.”) (testimony of

<sup>7</sup> The White House, *Memorandum of Telephone Conversation* (July 25, 2019) (online at <https://www.whitehouse.gov/wp-content/uploads/2019/09/Unclassified09.2019.pdf>).

<sup>8</sup> The White House, *Remarks by President Trump Before Marine One Departure* (October 3, 2019) (online <https://www.whitehouse.gov/briefings-statements/remarks-president-trump-marine-one-departure-67/>).

<sup>9</sup> *Rudy Giuliani denies asking Ukraine to investigate Biden – before admitting it, CNN (September 19, 2019)* (online at <https://www.cnn.com/2019/09/19/politics/rudy-giuliani-joe-biden-ukraine-cnntv/index.html>). During a live television interview, CNN host Chris Cuomo asked Giuliani, “So you did ask Ukraine to look into Joe Biden?” Giuliani replied, “Of course I did.”

<sup>10</sup> Sondland Hearing Tr. at 27.

<sup>11</sup> Sondland Hearing Tr. at 53-55.

<sup>12</sup> Hill-Holmes Hearing Tr. at 29.

<sup>13</sup> Williams-Vindman Hearing Tr. 32-34; Volker-Morrison Hearing Tr. 34-35; Volker Dep. Tr. at 193-194.

<sup>14</sup> Williams-Vindman Hearing Tr. 30.

<sup>15</sup> The White House, *Press Briefing by Acting Chief of Staff Mick Mulvaney* (October 17, 2019) (online at <https://www.whitehouse.gov/briefings-statements/press-briefing-acting-chief-staff-mick-mulvaney/>). A reporter asked Mulvaney, “But to be clear, what you just described is a quid pro quo. It is: Funding will not flow unless the investigation into the Democratic server happens as well.” Mulvaney responded, “We do that all the time with foreign policy.

<sup>16</sup> Sondland Hearing Tr. at 59-60.

<sup>17</sup> Sondland Hearing Tr. at 26.

<sup>18</sup> Sondland Hearing Tr. at 18.

<sup>19</sup> Kurt Volker Document Production, Bates KV00000002-08, 18-23, 26-29, 36-39, 42-44, 53 (Oct. 2, 2019).

<sup>20</sup> The White House, *Press Briefing by Acting Chief of Staff Mick Mulvaney* (October 17, 2019) (online at <https://www.whitehouse.gov/briefings-statements/press-briefing-acting-chief-staff-mick-mulvaney/>). A reporter asked Mulvaney, “But to be clear, what you just described is a quid pro quo. It is: Funding will not flow unless the investigation into the Democratic server happens as well.” Mulvaney responded, “We do that all the time with foreign policy.

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- <sup>21</sup> Hill-Holmes Hearing Tr. at 39-40.
- <sup>22</sup> The Kremlin, Joint News Conference with Hungarian Prime Minister Viktor Orban (Feb. 2, 2017) (online at <http://en.kremlin.ru/events/president/news/53806>).
- <sup>23</sup> Putin says US ‘political dramas’ diverting focus from Russia, *The Washington Post* (November 20, 2019) (online at: [https://www.washingtonpost.com/world/europe/putin-says-us-political-dramas-diverting-focus-from-russia/2019/11/20/3688afd6-0ba5-11ea-8054-289aef6e38a3\\_story.html](https://www.washingtonpost.com/world/europe/putin-says-us-political-dramas-diverting-focus-from-russia/2019/11/20/3688afd6-0ba5-11ea-8054-289aef6e38a3_story.html)).
- <sup>24</sup> Office of the Director of National Intelligence, *Assessing Russian Activities and Intentions in Recent U.S. Elections* (Feb. 6, 2017) (online at [www.dni.gov/files/documents/ICA\\_2017\\_01.pdf](http://www.dni.gov/files/documents/ICA_2017_01.pdf)).
- <sup>25</sup> Hill-Holmes Hearing Tr. at 39-40.
- <sup>26</sup> Office of the Director of National Intelligence, *Worldwide Threat Assessment of the U.S. Intelligence Community*. (January 29, 2019) (online at <https://www.dni.gov/files/ODNI/documents/2019-ATA-SFR---SSCI.pdf>).
- <sup>27</sup> Hill-Holmes Hearing Tr. at 41.
- <sup>28</sup> Hill-Holmes Hearing Tr. at 112.
- <sup>29</sup> Hill-Holmes Hearing Tr. at 113.
- <sup>30</sup> *White House Review Turns Up Emails Showing Extensive Effort to Justify Trump’s Decision to Block Ukraine Military Aid*, Washington Post (Nov. 24, 2019) (online at [www.washingtonpost.com/politics/white-house-review-turns-up-emails-showing-extensive-effort-to-justify-trumps-decision-to-block-ukraine-military-aid/2019/11/24/2121cf98-0d57-11ea-bd9d-c628fd48b3a0\\_story.html](http://www.washingtonpost.com/politics/white-house-review-turns-up-emails-showing-extensive-effort-to-justify-trumps-decision-to-block-ukraine-military-aid/2019/11/24/2121cf98-0d57-11ea-bd9d-c628fd48b3a0_story.html)).
- <sup>31</sup> Cooper Dep. Tr. at 91.
- <sup>32</sup> Hale Dep. Tr. at 105.
- <sup>33</sup> Volker Dep. Tr. at 304.
- <sup>34</sup> The White House, *Memorandum of Telephone Conversation* (Apr. 21, 2019) (online at <https://assets.documentcloud.org/documents/6550349/First-Trump-Ukraine-Call.pdf>); The White House, *Memorandum of Telephone Conversation* (July 25, 2019) (online at [www.whitehouse.gov/wp-content/uploads/2019/09/Unclassified09.2019.pdf](http://www.whitehouse.gov/wp-content/uploads/2019/09/Unclassified09.2019.pdf)).
- <sup>35</sup> Williams-Vindman Hearing Tr. at 24-25, 42-43.
- <sup>36</sup> *Conflicting White House accounts of 1<sup>st</sup> Trump-Zelenskiy call*, The Associated Press (November 15, 2019) (online at <https://apnews.com/2f3c9910e0a14ec08d6d76ed93148059>); (<https://twitter.com/ZekeJMiller/status/1195347268280471554?s=20>)
- <sup>37</sup> Hill-Holmes Hearing Tr. at 55; The White House, *Memorandum of Telephone Conversation* (July 25, 2019) (online at [www.whitehouse.gov/wp-content/uploads/2019/09/Unclassified09.2019.pdf](http://www.whitehouse.gov/wp-content/uploads/2019/09/Unclassified09.2019.pdf)).
- <sup>38</sup> Cooper-Hale Hearing Tr. at 25.
- <sup>39</sup> Presidential Administration of Ukraine, *Press release: Volodymyr Zelensky submitted the draft law on impeachment of the President for consideration by the Parliament* (May 29, 2019) (online at <https://www.president.gov.ua/news/volodimir-zelenskij-peredav-na-rozglyad-verhovnoyi-radi-zako-55645>); Presidential Administration of Ukraine, *Press release: Legislation proposing punishment of top officials who engage in illicit enrichment is fundamentally different from its predecessors, according to Ruslan Ryaboshapka* (June 4, 2019) (online at <https://www.president.gov.ua/news/zakonoproekt-pro-vidnovlennya-pokarannya-za-nezakonne-zbagac-55741>).
- <sup>40</sup> Holmes Dep. Tr. at 25-26; Holmes Hearing Tr. at 3.
- <sup>41</sup> The White House, *Remarks by President Trump and President Zelensky of Ukraine Before Bilateral Meeting* (Sept 25, 2019) (online at [www.whitehouse.gov/briefings-statements/remarks-president-trump-president-zelensky-ukraine-bilateral-meeting-new-york-ny/](http://www.whitehouse.gov/briefings-statements/remarks-president-trump-president-zelensky-ukraine-bilateral-meeting-new-york-ny/)); The White House, *Remarks by President Trump at the Swearing-in Ceremony of Secretary of Labor Eugene Scalia* (Sept 30, 2019) (online at [www.whitehouse.gov/briefings-statements/remarks-president-trump-swearing-ceremony-secretary-labor-eugene-scalia/](http://www.whitehouse.gov/briefings-statements/remarks-president-trump-swearing-ceremony-secretary-labor-eugene-scalia/)); The White House,

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*Remarks by President Trump and President Niinistö of the Republic of Finland Before Bilateral Meeting* (Oct. 2, 2019) ([www.whitehouse.gov/briefings-statements/remarks-president-trump-president-niinisto-republic-finland-bilateral-meeting/](http://www.whitehouse.gov/briefings-statements/remarks-president-trump-president-niinisto-republic-finland-bilateral-meeting/)); The White House, *Remarks by President Trump Before Marine One Departure* (Oct. 3, 2019) (online at [www.whitehouse.gov/briefings-statements/remarks-president-trump-marine-one-departure-67/](http://www.whitehouse.gov/briefings-statements/remarks-president-trump-marine-one-departure-67/)); The White House, *Remarks by President Trump Before Marine One Departure* (Oct. 4, 2019) (online at [www.whitehouse.gov/briefings-statements/remarks-president-trump-marine-one-departure-68/](http://www.whitehouse.gov/briefings-statements/remarks-president-trump-marine-one-departure-68/)); The White House, *Remarks by President Trump Before Marine One Departure* (Oct. 4, 2019) (online at [www.whitehouse.gov/briefings-statements/remarks-president-trump-marine-one-departure-68/](http://www.whitehouse.gov/briefings-statements/remarks-president-trump-marine-one-departure-68/)).

<sup>42</sup> Morrison-Volker Hearing Tr. at 46-47, 91-92.

<sup>43</sup> The White House, *Remarks by President Trump Upon Arriving at the U.N. General Assembly* (Sept. 24, 2019)

<sup>44</sup> European Union External Action, *EU-Ukraine Relations Factsheet* (July 2019); NATO, *Fact Sheet: NATO's Support to Ukraine* (Nov. 2018) (online at [www.nato.int/nato\\_static\\_fl2014/assets/pdf/pdf\\_2018\\_11/20181106\\_1811-factsheet-nato-ukraine-support-eng.pdf](http://www.nato.int/nato_static_fl2014/assets/pdf/pdf_2018_11/20181106_1811-factsheet-nato-ukraine-support-eng.pdf)).

<sup>45</sup> European Union, *Fact Sheet: Frequently Asked Questions about Ukraine, the EU's Eastern Partnership and the EU-Ukraine Association Agreement* (April 24, 2015).

<sup>46</sup> Sandy Dep. Tr. at 49.

<sup>47</sup> Sandy Dep. Tr. at 42, 44.

<sup>48</sup> Sandy Dep. Tr. at 42, 139-140. According to a press report, after Congress began investigating President Trump's scheme, the White House Counsel's Office reportedly opened an internal investigation relating to the July 25 call. As part of that internal investigation, White House lawyers gathered and reviewed "hundreds of documents" that "reveal extensive efforts to generate an after-the-fact justification" for the hold on military assistance for Ukraine ordered by President Trump. These documents reportedly include "early August email exchanges between acting chief of staff Mick Mulvaney and White House budget officials seeking to provide an explanation for withholding the funds after the president had already ordered a hold in mid-July on the nearly \$400 million in security assistance." *White House Review Turns Up Emails Showing Extensive Effort to Justify Trump's Decision to Block Ukraine Military Aid*, Washington Post (Nov. 24, 2019) (online at [www.washingtonpost.com/politics/white-house-review-turns-up-emails-showing-extensive-effort-to-justify-trumps-decision-to-block-ukraine-military-aid/2019/11/24/2121cf98-0d57-11ea-bd9d-c628fd48b3a0\\_story.html](http://www.washingtonpost.com/politics/white-house-review-turns-up-emails-showing-extensive-effort-to-justify-trumps-decision-to-block-ukraine-military-aid/2019/11/24/2121cf98-0d57-11ea-bd9d-c628fd48b3a0_story.html)). The White House has withheld these documents from the Committee, so the Committee cannot verify the accuracy of the reporting as of the publication of this report.

<sup>49</sup> Sandy Dep. Tr. at 180; Vindman Dep. Tr. at 306.

<sup>50</sup> The White House, *Press Briefing by Acting Chief of Staff Mick Mulvaney*, (October 17, 2019) (online at <https://www.whitehouse.gov/briefings-statements/press-briefing-acting-chief-staff-mick-mulvaney/>).

<sup>51</sup> Kent-Taylor Hearing Tr. at 150.

<sup>52</sup> Kent-Taylor Hearing Tr. at 29.

<sup>53</sup> Kent-Taylor Hearing Tr. at 54.

<sup>54</sup> Kent-Taylor Hearing Tr. at 54.

<sup>55</sup> Kent-Taylor Hearing Tr. at 54.

<sup>56</sup> *Ukraine Knew of Aid Freeze in July, Says Ex-Top Official in Kyiv*, The New York Times (December 3, 2019) (<https://www.nytimes.com/2019/12/03/world/europe/ukraine-impeachment-military-aid.html>).

<sup>57</sup> Cooper-Hale Hearing Tr. at 14.

<sup>58</sup> SF-132 Apportionment Schedule FY 2019, OMB Footnote A4 (July 25, 2019).

<sup>59</sup> Cooper-Hale Hearing Tr. at 15.

<sup>60</sup> Vindman Dep. Tr. at 221-22.

<sup>61</sup> Croft Dep. Tr. at 86-87.

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<sup>62</sup> Croft Dep. Tr. at 101.

<sup>63</sup> The Atlantic Council, *Preparing for the U.S.-Ukraine summit* (August 14, 2019) (online at <https://www.atlanticcouncil.org/blogs/ukrainealert/preparing-for-the-us-ukraine-summit/>).

<sup>64</sup> The Atlantic Council, *Board of Directors* (online at: <https://www.atlanticcouncil.org/about/board-of-directors/>); The Atlantic Council, *Atlantic Council Statement on the Confirmation of Gov. Jon M. Huntsman, Jr. as the US Ambassador to Russia* (September 29, 2017) (online at <https://www.atlanticcouncil.org/news/press-releases/atlantic-council-statement-on-the-confirmation-of-gov-jon-m-huntsman-jr-as-the-us-ambassador-to-russia/>).

<sup>65</sup> Cooper-Hale Hearing Tr. at 70; Sandy Dep. Tr. at 147.

<sup>66</sup> House Permanent Select Committee on Intelligence, *Three House Committees Launch Probe Into Trump and Giuliani Pressure Campaign* (Sept. 9, 2019) (online at <https://intelligence.house.gov/news/documentsingle.aspx?DocumentID=685>).

<sup>67</sup> Vindman Dep. Tr. at 304.

<sup>68</sup> Taylor Dep. Tr. at 210.

<sup>69</sup> Taylor Dep. Tr. at 28 and 39.

<sup>70</sup> ‘I Don’t Trust Anyone at All.’ Ukrainian President Volodymyr Zelensky Speaks Out on Trump, Putin and a Divided Europe, *Time* (December 2, 2019) (online at <https://time.com/5742108/ukraine-zelensky-interview-trump-putin-europe/>).

<sup>71</sup> *Trump says he didn’t direct Giuliani’s Ukraine efforts. Witnesses say otherwise*, NBC News (November 27, 2019) (online at <https://www.nbcnews.com/politics/trump-impeachment-inquiry/trump-says-he-didn-t-direct-giuliani-s-ukraine-efforts-n1092591>).

<sup>72</sup> The White House, *Memorandum of Telephone Conversation* (July 25, 2019) (online at [www.whitehouse.gov/wp-content/uploads/2019/09/Unclassified09.2019.pdf](http://www.whitehouse.gov/wp-content/uploads/2019/09/Unclassified09.2019.pdf)).

<sup>73</sup> Volker Dep. Tr. 305; Volker-Morrison Hearing Tr. at 40.

<sup>74</sup> *Rudy Giuliani Plans Ukraine Trip to Push for Inquiries That Could Help Trump*, *New York Times* (May 9, 2019) (online at [www.nytimes.com/2019/05/09/us/politics/giuliani-ukraine-trump.html](http://www.nytimes.com/2019/05/09/us/politics/giuliani-ukraine-trump.html)).

<sup>75</sup> *Remarks by President Trump and President Niinisto of the Republic of Finland in Joint Press Conference*, The White House (Oct. 2, 2019) (online at [www.whitehouse.gov/briefings-statements/remarks-president-trump-president-niinisto-republic-finland-joint-press-conference/](http://www.whitehouse.gov/briefings-statements/remarks-president-trump-president-niinisto-republic-finland-joint-press-conference/)).

<sup>76</sup> Holmes Dep. Tr. at 116.

<sup>77</sup> Holmes Dep. Tr. at 18; Sondland Hearing Tr. at 71.

<sup>78</sup> Holmes Hearing Tr. at 31.

<sup>79</sup> *‘I don’t know him very well’: Trump fights back against Sondland’s testimony*, *Politico* (November 20, 2019) (online at <https://www.politico.com/news/2019/11/20/trump-dismisses-sondlands-testimony-i-dont-know-him-very-well-072080>).

<sup>80</sup> Volker-Morrison Hearing Tr. at 30.

<sup>81</sup> Holmes Hearing Tr. at 29.

<sup>82</sup> Sondland Hearing Tr. at 27.

<sup>83</sup> Sondland Hearing Tr. at 27.

<sup>84</sup> Sondland Hearing Tr. at 17.

<sup>85</sup> Office of the Director of National Intelligence, *Letter from Intelligence Community Inspector General Michael K. Atkinson to Director of National Intelligence Joseph McGuire*, (August 26, 2019) (online at [https://intelligence.house.gov/uploadedfiles/20190826\\_-\\_icig\\_letter\\_to\\_acting\\_dni\\_unclass.pdf](https://intelligence.house.gov/uploadedfiles/20190826_-_icig_letter_to_acting_dni_unclass.pdf)). Atkinson wrote: “Further, although the ICIG’s preliminary review identified some indicia of an arguable political bias on the part of

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the Complainant in favor of a rival political candidate, such evidence did not change my determination that the complaint relating to the urgent concern ‘appears credible,’ particularly given the other information the ICIG obtained during its preliminary review.”

<sup>86</sup> The White House, *Memorandum of Telephone Conversation* (July 25, 2019) (online at [www.whitehouse.gov/wp-content/uploads/2019/09/Unclassified09.2019.pdf](https://www.whitehouse.gov/wp-content/uploads/2019/09/Unclassified09.2019.pdf)).

<sup>87</sup> Kent Dep. Tr. at 45.

<sup>88</sup> *Explainer: Biden, allies, pushed out Ukrainian prosecutor because he didn’t pursue corruption cases*, USA Today (November 15, 2019) (online at <https://www.usatoday.com/story/news/politics/2019/10/03/what-really-happened-when-biden-forced-out-ukraines-top-prosecutor/3785620002/>).

<sup>89</sup> *Explainer: Biden, allies, pushed out Ukrainian prosecutor because he didn’t pursue corruption cases*, USA Today (November 15, 2019) (online at <https://www.usatoday.com/story/news/politics/2019/10/03/what-really-happened-when-biden-forced-out-ukraines-top-prosecutor/3785620002/>).

<sup>90</sup> *Ukraine Ousts Viktor Shokin, Top Prosecutor, and Political Stability Hangs in the Balance*, The New York Times, (March 29, 2016) (online at <https://www.nytimes.com/2016/03/30/world/europe/political-stability-in-the-balance-as-ukraine-ousts-top-prosecutor.html>).

<sup>91</sup> Kent-Taylor Hearing Tr. at 116.

<sup>92</sup> Yovanovitch Hearing Tr. at 50; Kent-Taylor Hearing Tr. at 115.

<sup>93</sup> The National Archives, *The Constitution of the United States: A Transcription* (1789) (online at <https://www.archives.gov/founding-docs/constitution-transcript>).

<sup>94</sup> The National Archives, *The Constitution of the United States: A Transcription* (1789) (online at <https://www.archives.gov/founding-docs/constitution-transcript>).

<sup>95</sup> Speaker Nancy Pelosi. *Pelosi Remarks Announcing Impeachment Inquiry* (September 24, 2019) (online at <https://www.speaker.gov/newsroom/92419-0>).

<sup>96</sup> 116th Congress, *House Resolution 660* (October 29, 2019) (online at <https://docs.house.gov/bills/20191028/BILLS-116-HRes660.pdf>)